

Minutes of the Concordia Lake Board
Meeting Held on March 14, 2022
Room 202 of the Concordia Community Center
802 S. Gordon St., Concordia, MO
Beginning at 7:00 P.M.

Members in Attendance

Steve Frerking

Jim Lynn

Kyle Fiene

Troy Yount

Lester Roepe

Michael Brown, Mayor

Dale Klussman, Administrator

Jody Bergman, Parks Director

Mayor Brown called the meeting to order.

The Minutes of the December 13, 2022 Lake Board were presented and reviewed. Upon completion of the review, Lester made the motion to accept the Minutes of the December 13, 2022 Lake Board Meeting as presented. Troy seconded the motion. The motion carried by unanimous consent 4/0.

Administrator Klussman informed the Board that the ending balance as of February in the Lake Fund was \$90,093.46. The March sales taxes will be distributed during the upcoming week adding approximately \$4,000.00 to the total.

There will be some upcoming expenses for the Lake. First, the areas around the bridge has been deteriorating so there will be rock required to bring the shoulders back to shape. We can expect billing of several tons of rock.

Second, the bridge and posts have been painted. The cost of paint and supplies will be coming out of the Lake Fund.

The Maintenance Staff has been working on the secondary road (such as the Dam Road). Rock will be required to bring these roads up to the desired level.

The Board of Aldermen authorized a purchase of a breaker attachment for the new skid steer loader. This piece of equipment will allow us to break up the large amount of concrete piled at the North Lagoon and clean all rebar from this concrete. We will then haul the clean concrete to

the area that is significantly washing out by the spillway. The thought is that the City will transfer the cost for use of the breaker and the cost of hauling to the Lake Fund.

Finally, Administrator has been in communications with Joel Oetting concerning the cleaning and replacement of the common fence line between Mr. Oetting's property and the City property. The City is receiving bids from our fencing companies for installation of the south fence (running east and west) as well as a run totaling approximately 1/3 of the total footage heading South.

Kyle recommended that the City discuss the installation of the fence with Bart Brackman as their company is also installing this type of fence.

Troy asked if the Lake Fund is for use in chip/sealing of the Concordia Lake Road. Klussman stated that it was one of the funds utilized for this road, as well as the Lafayette County Use Tax Fund (Fund 19).

Troy asked when this road would be sealed. Klussman explained that the City has gone to a different option in sealing—emulsion with a haydite rock covering the emulsion-based sealer. We cannot apply this product due to the lack of the proper distribution equipment. We must rely on Vance Brothers to apply this product, so we must schedule around their availability.

Klussman requested a report on the repair of the Main Sign as recommended at the December 13, 2022 Lake Board meeting. Tanner Wodrich, the Contractor has promised to have this sign completed by the Spring season.

Klussman requested the Lake Board take formal action on the request for two additional parking areas ahead of the Truck and Tractor Pull. At their December 13, 2022 meeting, the Lake Board proposed moving the locations of the entrances as proposed by the Truck and Tractor representatives.

Jody was to stake out new locations that:

1. Would not line up with the resident's house.
2. Would not conflict with the intersection or mailboxes.

The entrance across from Jan Renno was marked approximately 75 feet west of the intersection's tube, then plotted as a 40' entrance. This entrance will require installation of a tube, but will allow for completion of the existing semicircular road.

The requested 100 foot "semi entrance" was located 75' east of the mailboxes. No tube will be required, however there will be considerable fill required.

The Lake Board members felt comfortable with the newly proposed locations. Troy made the motion to recommend that the Board of Aldermen grant permission to the Concordia Truck and Tractor Association to utilize these areas for additional parking, and to make the Maintenance Department available for additional support.

Kyle seconded this motion. Motion carried by voice vote 4/0.

Klussman explained that the City is annually reviewed for Worker Comp insurance, as well as Liability and potential Risk reductions.

This year, the outline of the Lake Warden was questioned. There were basically two concerns that the City must consider.

1. The City should provide a more accurate accounting of when this position is actually working and when the person is not on the clock. If injury was to occur when the employee was on the clock, our Workers Comp Insurance would kick in. However, with the position just filling in a time sheet, as we have done for years, opens up potential conflicts in the coverage of this worker for Work Comp.
2. The use of an individual's boat to perform the Lake Warden duties. Again, this practice enhances the exposure because we have failed to be named as additional insured on the boating policy. When coupled with the manner of recording the Warden's time, the risk of exposure for the City increases significantly, as any insurance would request a more accurate detailing of "on the clock" time to insure damage of property occurred while the Warden was performing City duties.

Klussman requested City Attorney Robert Schnieders to review some of the concerns and craft a letter for Lake Board review, of potential legal concerns.

The letter (Attachment #1) addressed the attorney's concerns with how the position is currently being handled:

1. Schnieders advised that the use of a personal boat be eliminated as this use potentially exposes the City to liability for damage or injury. **"This is one of the things that is exempted from sovereign immunity"** which exposes the City to litigation in excess of the sovereign immunity as set.
2. Schnieders advised a formal verification of the time worked in the light of the fact that all other employees utilize a timeclock to identify when they are under direction of the City. The isolated exception could be identified by other employees as a discriminatory act and lead to potential litigation concerning employment acts and practices.

There is no action required by the Lake Board as this discussion point is for information only. The Administrator and Board of Aldermen will have to make adjustments to the position's duties and requirements of reporting, but the Administrator felt he needed to bring this before the Lake Board as they have an interest in the Management of Lake and Lake Personnel.

Mayor Brown reported that in a conversation with Ron Cordes of the Concordia Truck and Tractor Pull Association, Mr. Cordes indicated that the Association was searching potential alternative to the mobile lighting they are currently required to provide for the tractor and truck pull.

One solution which they are considering is the installation of lighting on permanent poles which would be powered by generator(s). Since these light and poles would be permanent in nature, the Lake Board agreed that we would need to see a proposed plan of placement and installation prior to recommending Board of Aldermen approval.

The Board discussed the type of tractor pull this was going be?
Will the roads be able to stand the sheer weight of the hauling vehicles?
Will there be safe access for the number of people estimated to attend this event?
Concern of whether the existing guardrail system, as installed is adequate—especially running two tractors in the pit.

The Board feels that, as an inaugural event to this circuit, they are satisfied that the sponsoring body, who carries adequate insurance for such events, have inspected the site and have satisfactorily addressed these questions. However, we may have to address these questions in future years as, hopefully, this event will grow.

Reviewing the Minutes of the December meeting, Steve asked about the status of trimming the Concordia Oaks. Jody reported that Troy Yount had trimmed all the Concordia Oaks addressed at the December meeting.

Troy recognized his brother-in-law, who loaded and removed all the trimmed brush.

The Lake Board expressed their thanks and appreciation for the work performed.

Jody also reported that Craig Kuecker, Kuecker Electric, will be installing lights on the roof of the pump house in response to concerns expressed at the December 13, 2022 meeting.

Jody also stated that they had a controlled burn of areas in and around Fricke Point and other areas of the Lake.

There being no further business, Lester made the motion to adjourn. Troy seconded the motion. The motion carried 4/0.

Meeting adjourned.

Time noted: 7:55 p.m.

Dale Klussman

Person Taking Minutes